

REMARKS

The Examiner asserted in the Restriction Requirement that pending claims 1-57 are drawn to multiple inventions and should be restricted as follows

Group I, claims 1-16 and 18 drawn to compounds comprising a megalin-binding moiety and a methods of making same;

Group II, claims 17 and 19-57, drawn to methods of administering compounds comprising a megalin-binding moiety.

The Examiner further asserts that the application contains patentably distinct species:

- A) specific megalin-binding moieties as recited in claim 8;
- B) specific disorders as recited in claims 21 and 26; and
- C) specific agents as recited in claims 22, 27, 32-33.

Election of Invention

In response to the restriction, Applicants elect to pursue Group II, claims 17 and 19-57, drawn to methods of administering compounds comprising a megalin-binding moiety. Applicants further elect for Species (A) RAP as the megalin-binding moiety; for Species (B) Huntington's Disease as the disorder; and, for Species (C) BDNF as the agent. Applicants understand that the species elected for species B and species C were not explicitly recited in claims cited by the Examiner as related to the election of species, but submit that these elections are consistent with the Examiner's restrictions in light of new claims 58-62.

Claims which read on the elected Group and species include claims 17-21 and new claims 58-62. Applicants reserve the right to rejoin any non-designated claims upon notification of allowance of generic claims.

Support for the Amendment to the Claims

Support for new claims 58-62 can be found, for example, at page 10, line 8, to page

11, line 21, which describes that the invention is useful to treat patients suffering from neurological diseases, including Huntington's disease, ischemia-related disease, stroke, spinal muscular atrophy, cerebellar degeneration, perivenous encephalitis, schizophrenia, epilepsy, and also describes neurotrophic factors useful as therapeutic agents in treatment of said patients.

Traversal

Applicants submit that claim 18, directed to a method of increasing transcytosis of a therapeutic agent across the blood brain barrier, was improperly included with Group I claims, which are drawn to compounds comprising a megalin-binding moiety and methods of making. Claim 18 should more accurately be described as a method of administering a compound comprising a megalin-binding moiety, which would place the claim in Group II claims.

Conclusion

Applicants submit that the application is in condition for allowance and respectfully request notification of the same.

No fees are believed necessary in connection with this paper, but if any fees are necessary, the Commissioner is authorized to charge Marshall, Gerstein & Borun LLP deposit account number **13-2855**.

Respectfully submitted,

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